

ESTTA Tracking number: **ESTTA782125**

Filing date: **11/10/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Karsten Manufacturing Corporation
Granted to Date of previous extension	11/13/2016
Address	2201 West Desert Cove Phoenix, AZ 85029 UNITED STATES
Attorney information	John D. Titus HARTMAN TITUS PLC 7114 E. Stetson Drive, Suite 205 Scottsdale, AZ 85251 UNITED STATES JTitus@HartmanTitus.com, docket@hartmantitus.com, oppositions@karsten.com

Applicant Information

Application No	86836192	Publication date	05/17/2016
Opposition Filing Date	11/10/2016	Opposition Period Ends	11/13/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	Apple Inc. 1 Infinite Loop Cupertino, CA 95014 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer software for the creation and display of typeface fonts; downloadable printing fonts


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3171974	Application Date	01/10/2003
Registration Date	11/14/2006	Foreign Priority	NONE

		Date	
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/08/30 First Use In Commerce: 2006/08/30 sun block		

U.S. Registration No.	4214179	Application Date	06/20/2008
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/07/13 First Use In Commerce: 2012/07/13 men's and women's toiletries, namely, cologne and perfume		

U.S. Registration No.	2809860	Application Date	06/07/2002
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1996/12/31 First Use In Commerce: 1996/12/31 metal key rings		


U.S. Registration No.	2909185	Application Date	12/23/2002
Registration Date	12/07/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2004/05/17 First Use In Commerce: 2004/05/17 Pocket knives		


U.S. Registration No.	4038670	Application Date	03/17/2011
Registration Date	10/11/2011	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2008/05/21 First Use In Commerce: 2008/05/21 Hand tools, namely, wrenches		

U.S. Registration No.	2810552	Application Date	11/14/2002
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/11/04 First Use In Commerce: 2002/11/04 COMPUTER CARRYING CASES		


U.S. Registration No.	3171975	Application Date	01/10/2003
Registration Date	11/14/2006	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 009. First use: First Use: 2006/09/06 First Use In Commerce: 2006/09/06 refrigerator magnets, calculators		
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U.S. Registration No.	3360253	Application Date	10/17/2006
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/10/02 First Use In Commerce: 2007/10/02 Sunglasses		

U.S. Registration No.	3599013	Application Date	12/22/2006
Registration Date	03/31/2009	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/11/03 First Use In Commerce: 2008/11/03 Computer software, namely, file sharing software; communications software for electronically exchanging data, and graphics accessible via a computer network; computer software and hardware for processing images, graphics, audio, video, and text; all of the foregoing marketed to consumers and golf retailers		


U.S. Registration No.	3728814	Application Date	12/22/2006
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	PING		

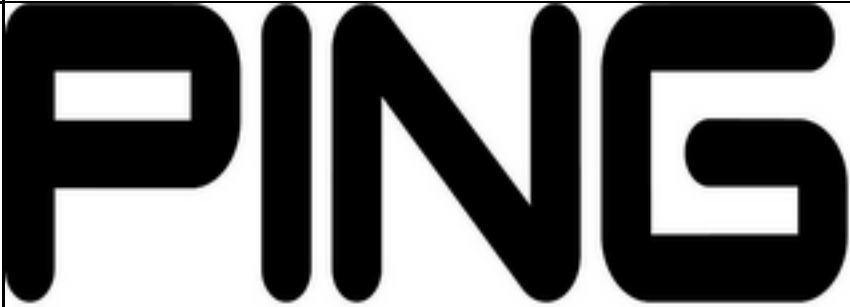
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/05/08 First Use In Commerce: 2009/05/08 Downloadable video recordings featuring sports and sports instructions; and interactive video game programs, all of the foregoing products and/or services marketed to consumers and consumer retailers

U.S. Registration No.	3985997	Application Date	06/01/2007
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/04/25 First Use In Commerce: 2011/04/25 Consumer mobile telephone equipment, namely, mobile telephones and PDA's		


U.S. Registration No.	3617336	Application Date	05/16/2008
Registration Date	05/05/2009	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/02/27 First Use In Commerce: 2009/02/27 Computers

U.S. Registration No.	3873555	Application Date	04/09/2010
Registration Date	11/09/2010	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	The mark consists of stylized "PING".		
Goods/Services	Class 009. First use: First Use: 2008/11/03 First Use In Commerce: 2008/11/03 Computer software, namely, file sharing software; communications software for electronically exchanging data, and graphics accessible via a computer network; computer software and hardware for processing images, graphics, audio, video, and text; all of the foregoing marketed to consumers and golf retailers; Downloadable video recordings featuring sports and sports instructions, the foregoing marketed to consumers and consumer retailers; Interactive video game programs, the foregoing marketed to consumers and consumer retailers; Computer software for wireless content delivery, the foregoing marketed to consumers and consumer retailers		


U.S. Registration No.	3975746	Application Date	04/09/2010
Registration Date	06/07/2011	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	The mark consists of stylized "PING".		
Goods/Services	Class 009. First use: First Use: 2011/04/25 First Use In Commerce: 2011/04/25 Wireless communication devices for voice, data or image transmission		


U.S. Registration	4036387	Application Date	01/12/2011
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No.			
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/04/25 First Use In Commerce: 2011/04/25 Wireless communication devices for voice, data or image transmission		


U.S. Registration No.	4104338	Application Date	02/01/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/09/01 First Use In Commerce: 2010/09/01 Computer software for authoring, downloading, transmitting, receiving, viewing, playing, storing, and organizing multimedia content, marketed to consumers and golf retailers		

U.S. Registration No.	4234620	Application Date	02/03/2011
Registration Date	10/30/2012	Foreign Priority Date	NONE
Word Mark	PING		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/09/01 First Use In Commerce: 2010/09/01 Computer software for use in downloading, transmitting, receiving, playing, storing and organizing text, data, images, audio files, video files; computer software to enable users to program and distribute audio, video, text and other multimedia content, including music, and videos via communications networks; the foregoing goods marketed to consumers

U.S. Registration No.	4415203	Application Date	02/10/2011
Registration Date	10/08/2013	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/07/30 First Use In Commerce: 2013/07/30 Protective covers for electronic devices		


U.S. Registration No.	4074325	Application Date	06/30/2011
Registration Date	12/20/2011	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2011/06/17 First Use In Commerce: 2011/06/17 Electronic accessories, namely, mounts and holders for portable electronic devices

U.S. Registration No.	3228368	Application Date	12/23/2002
Registration Date	04/10/2007	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2006/09/07 First Use In Commerce: 2006/09/07 Lamps		

U.S. Registration No.	4218313	Application Date	06/04/2010
Registration Date	10/02/2012	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2012/07/17 First Use In Commerce: 2012/07/17 License plate frames		

U.S. Registration No.	2936630	Application Date	06/07/2002
Registration Date	03/29/2005	Foreign Priority	NONE

		Date	
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/01/01 First Use In Commerce: 1989/01/01 Mens and womens watches		

U.S. Registration No.	1638323	Application Date	05/30/1989
Registration Date	03/19/1991	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1988/01/00 First Use In Commerce: 1988/01/00 NEWSLETTERS ON PROFESSIONAL GOLF		


U.S. Registration No.	3174437	Application Date	05/23/2002
Registration Date	11/21/2006	Foreign Priority Date	NONE
Word Mark	PING		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2006/08/30 First Use In Commerce: 2006/08/30 Notebooks, ball-point pens, pencils, appointment books, calendars and day planners

U.S. Registration No.	1647448	Application Date	01/16/1990
Registration Date	06/11/1991	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 golf accessories, namely, umbrellas and travelling bags		


U.S. Registration No.	2810551	Application Date	11/14/2002
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2002/11/05 First Use In Commerce: 2002/11/05 Travel document cases, toiletry cases sold empty		

U.S. Registration No.	3814473	Application Date	12/18/2009
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Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1990/01/16 First Use In Commerce: 1990/01/16 Luggage; Messenger bags; Travel bags; Umbrellas		


U.S. Registration No.	4500593	Application Date	02/22/2013
Registration Date	03/25/2014	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2002/11/05 First Use In Commerce: 2002/11/05 Back packs, briefcases, carry-all and carry-on bags, duffel bags, messenger bags, shoe bags for travel, toiletry cases sold empty, travel document cases, leather and cloth pouches for valuables, and umbrellas		

U.S. Registration No.	2773222	Application Date	06/06/2002
Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1990/01/00 First Use In Commerce: 1990/01/00 Back packs, fanny packs, brief cases, garment bags and shoe bags for travel, valuable pouch, and duffel bags Class 025. First use: First Use: 2001/11/15 First Use In Commerce: 2001/11/15 Leather gloves and belts made of leather Class 028. First use: First Use: 1996/01/31 First Use In Commerce: 1996/01/31 Travel covers for golf bags

U.S. Registration No.	2909186	Application Date	12/23/2002
Registration Date	12/07/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2004/07/07 First Use In Commerce: 2004/07/07 Chairs		

U.S. Registration No.	2822249	Application Date	06/07/2002
Registration Date	03/16/2004	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2002/01/31 First Use In Commerce: 2002/01/31 PLASTIC WATER BOTTLES SOLD EMPTY


U.S. Registration No.	2998878	Application Date	11/12/2002
Registration Date	09/20/2005	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2002/12/18 First Use In Commerce: 2002/12/18 Wastepaper baskets		

U.S. Registration No.	2909187	Application Date	12/23/2002
Registration Date	12/07/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2004/04/12 First Use In Commerce: 2004/04/12 Mugs		

U.S. Registration No.	4415199	Application Date	02/07/2011
Registration Date	10/08/2013	Foreign Priority Date	NONE
Word Mark	PING		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2013/07/30 First Use In Commerce: 2013/07/30 Drinking glasses, namely, tumblers

U.S. Registration No.	2909188	Application Date	12/23/2002
Registration Date	12/07/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 022. First use: First Use: 2004/04/14 First Use In Commerce: 2004/04/14 Lanyards for holding eyeglasses		

U.S. Registration No.	3861063	Application Date	04/05/2010
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 022. First use: First Use: 1994/01/27 First Use In Commerce: 1994/01/27 Shoe bags for storage		

U.S. Registration No.	2823210	Application Date	11/12/2002
Registration Date	03/16/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 1998/11/20 First Use In Commerce: 1998/11/20 Towels

U.S. Registration No.	4500594	Application Date	02/22/2013
Registration Date	03/25/2014	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	The mark consists of a stylized "PING".		
Goods/Services	Class 024. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 Towels		


U.S. Registration No.	1637647	Application Date	07/03/1989
Registration Date	03/12/1991	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1974/07/01 First Use In Commerce: 1974/07/01 CLOTHING; NAMELY, SHIRTS, CAPS, SWEATERS, AND SUN VISORS		


U.S. Registration No.	3199150	Application Date	06/06/2002
Registration Date	01/16/2007	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/06/06 First Use In Commerce: 2002/06/06 slacks, shorts, skorts, sweatshirts, windshirts, woven shirts, sweater vests, jackets, belts, rainwear, and socks


U.S. Registration No.	2810550	Application Date	11/14/2002
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/11/20 First Use In Commerce: 1998/11/20 Mittens		

U.S. Registration No.	2810601	Application Date	01/13/2003
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/12/31 First Use In Commerce: 1998/12/31 caps, visors

U.S. Registration No.	3559460	Application Date	11/14/2006
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/03/27 First Use In Commerce: 2007/03/27 Children's clothing, namely, shirts and hats		

U.S. Registration No.	4500596	Application Date	02/22/2013
Registration Date	03/25/2014	Foreign Priority Date	NONE
Word Mark	PING		

Design Mark	
Description of Mark	The mark consists of a stylized "PING".
Goods/Services	Class 025. First use: First Use: 2006/09/06 First Use In Commerce: 2006/09/06 Clothing, namely, shirts, sweaters, sweatshirts, windshirts, woven shirts, slacks, shorts, vests, jackets, rainwear, socks, gloves, mittens, belts; headgear, namely, hats, caps, and visors; children's shirts and hats

U.S. Registration No.	3171976	Application Date	01/10/2003
Registration Date	11/14/2006	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2006/08/30 First Use In Commerce: 2006/08/30 embroidered emblems		

U.S. Registration No.	3177633	Application Date	12/23/2002
Registration Date	11/28/2006	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2006/09/07 First Use In Commerce: 2006/09/07 Rugs		

U.S. Registration No.	704552	Application Date	09/03/1959
Registration Date	09/20/1960	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1959/01/07 First Use In Commerce: 1959/01/15 Golf Clubs		

U.S. Registration No.	1632445	Application Date	07/06/1989
Registration Date	01/22/1991	Foreign Priority Date	NONE

Word Mark	PING
Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 1972/01/19 First Use In Commerce: 1972/01/19 SPORTING GOODS; NAMELY, GOLF BAGS, GOLFBALLS, AND HEAD COVERS FOR GOLF CLUBS

U.S. Registration No.	3230098	Application Date	06/07/2002
Registration Date	04/17/2007	Foreign Priority Date	NONE
Word Mark	PING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1979/01/31 First Use In Commerce: 1979/01/31 Golf clubs for juniors, golf bags for juniors, golf gloves, and divot repair tools for golfers; (first use anywhere date-- 11/03/2006 -n- first use in commerce date-- 11/03/2006) Stress relief balls for hand exercise and golf ball tees		

Attachments	77504480#TMSN.png(bytes) 76418362#TMSN.png(bytes) 85270135#TMSN.png(bytes) 77022878#TMSN.png(bytes) 77070488#TMSN.png(bytes) 77070643#TMSN.png(bytes) 77195786#TMSN.png(bytes) 77476580#TMSN.png(bytes) 85010979#TMSN.png(bytes) 85010994#TMSN.png(bytes) 85216335#TMSN.png(bytes) 85231159#TMSN.png(bytes) 85233667#TMSN.png(bytes) 85238814#TMSN.png(bytes) 85360393#TMSN.png(bytes) 85055191#TMSN.png(bytes) 76418359#TMSN.png(bytes) 76418345#TMSN.png(bytes) 74018761#TMSN.png(bytes) 77897246#TMSN.png(bytes) 85857353#TMSN.png(bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/john d. titus/
Name	John D. Titus
Date	11/10/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of:	:	
	:	
Apple Inc. :	:	Opposition No. _____
Serial No.: 86/836,192	:	
	:	
Filing Date: Dec. 1, 2015	:	
	:	
Publication Date: May 17, 2016	:	
	:	
Mark: PINGFANG	:	
	:	
Pending in Class: 009	:	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Karsten Manufacturing Corporation, an Arizona corporation with offices at 2201 West Desert Cove, Phoenix, Arizona 85029 (hereinafter “KMC”), believes that it will be damaged by registration of the above-captioned mark by Apple Inc. (hereinafter “Applicant”) and hereby opposes said application under the provisions of §§ 1, 2, 43(c) and 45 of the Trademark Act of July 5, 1946, as amended (15 U.S.C. § 1051 *et seq.*).

As grounds for opposition, KMC alleges as follows:

1. KMC is and for many years has been engaged in the business of manufacturing, distributing, selling and providing a wide variety of goods and services under its valuable and famous mark PING®.

2. Beginning at least as early as January 1959, KMC adopted and commenced use of its PING® mark in commerce in connection with golf clubs, related golf equipment and related services.




3. Since January 1959, KMC has vastly expanded its business under the PING® mark, commencing use of the mark in connection with a wide variety of additional goods and services, including but not limited to, newsletters, appointment books, calendars, advertising and promotional services for others, online advertising, mobile telephones, mobile telephone electronic data exchange, sun block, key rings, pocket knives, computer software, mobile telephones and PDA's, magnets, calculators, sunglasses, downloadable video recordings, interactive video games, lamps, watches, notebooks, pens, umbrellas, back packs, brief cases, garment and shoe bags, duffel bags, leather gloves, belts, chairs, plastics water bottles, wastepaper baskets, mugs, lanyards, towels, mittens, embroidered emblems, rugs, drinking water, golf professional sponsorship services, golf tournament sponsorship services, sporting goods dealer training and education services and online information services. KMC's use of its PING® mark commenced in connection with each of the above goods and services and/or KMC filed an application to register the PING® mark for the same, prior to the December 1, 2015 filing date of Applicant's Section 1(b) application and prior to its purported June 01, 2015 Jamaican priority date. KMC has used the PING® mark, actually or constructively, on or in connection with each of the aforementioned goods or services since prior to December 1, 2015 and has not abandoned such use.

4. KMC is the owner of various trademark registrations for its PING® mark (including certain stylized versions of same) in connection with the above-listed goods and services, including but not limited to:

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3171974	1/10/03	11/14/06	Class 3: Sun block
PING®	4214179	6/20/08	9/25/12	Class 3: Men's and women's toiletries, namely, cologne and perfume
PING®	2809860	6/7/02	2/3/04	Class 6: Metal key rings
PING®	2909185	12/23/02	12/7/04	Class 8: Pocket knives
PING®	4038670	3/17/11	10/11/11	Class 8: Hand tools, namely, wrenches
PING®	2810552	11/14/02	2/3/04	Class 9: Computer carrying cases
PING®	3171975	1/10/03	11/14/06	Class 9: Refrigerator magnets, calculators
PING®	3360253	10/17/06	12/25/07	Class 9: Sunglasses
PING®	3599013	12/22/06	3/31/09	Class 9: Computer software, namely, file sharing software; communications software for electronically exchanging data, and graphics accessible via a computer network; computer software and hardware for processing images, graphics, audio, video, and text; all of the foregoing marketed to consumers and golf retailers
PING®	3728814	12/22/06	12/22/09	Class 9: Downloadable video recordings featuring sports and sports instructions; and interactive video game programs, all of the foregoing products and/or services marketed to consumers and consumer retailers
PING®	3985997	6/1/07	6/28/11	Class 9: Consumer mobile telephone equipment, namely, mobile telephones and PDA's
PING®	3617336	5/16/08	5/5/09	Class 9: Computers

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3873555	4/9/10	11/9/10	Class 9: Computer software, namely, file sharing software; communications software for electronically exchanging data, and graphics accessible via a computer network; computer software and hardware for processing images, graphics, audio, video, and text; all of the foregoing marketed to consumers and golf retailers; Downloadable video recordings featuring sports and sports instructions, the foregoing marketed to consumers and consumer retailers; Interactive video game programs, the foregoing marketed to consumers and consumer retailers; Computer software for wireless content delivery, the foregoing marketed to consumers and consumer retailers
PING®	3975746	4/9/10	6/7/11	Class 9: Wireless communication devices for voice, data or image transmission
PING®	4036387	1/12/11	10/4/11	Class 9: Wireless communication devices for voice, data or image transmission
PING®	4104338	2/1/11	2/28/12	Class 9: Computer software for authoring, downloading, transmitting, receiving, viewing, playing, storing, and organizing multimedia content, marketed to consumers and golf retailers
PING®	4234620	2/3/11	10/30/12	Class 9: Computer software for use in downloading, transmitting, receiving, playing, storing and organizing text, data, images, audio files, video files; computer software to enable users to program and distribute audio, video, text and other multimedia content, including music, and videos via communications networks; the foregoing goods marketed to consumers
PING®	4415203	5/24/11	10/8/13	Class 9: Protective covers for electronic devices

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	4074325	6/30/11	12/20/11	Class 9: Electronic accessories, namely, mounts and holders for portable electronic devices
PING®	3228368	12/23/02	4/10/07	Class 11: Lamps
PING®	4218313	6/4/10	10/2/12	Class 12: License plate frames
PING®	2936630	6/7/02	3/29/05	Class 14: Men's and women's watches
PING®	1638323	5/30/89	3/19/91	Class 16: Newsletters on professional golf
PING®	3174437	5/23/02	11/21/06	Class 16: Notebooks, ball-point pens, pencils, appointment books, calendars and day planners
PING®	1647448	1/16/90	6/11/91	Class 18: Golf accessories, namely umbrellas and travelling bags
PING®	2810551	11/14/02	2/3/04	Class 18: Travel document cases, toiletry cases sold empty
PING®	3814473	12/18/09	7/6/10	Class 18: Luggage; Messenger bags; Travel bags; Umbrellas
PING®	4500593	2/22/13	3/25/14	Class 18: Back packs, brief cases, carry-all and carry-on bags, duffel bags, messenger bags, shoe bags for travel, toiletry cases sold empty, travel document cases, leather and cloth pouches for valuables, and umbrellas
PING®	2773222	6/6/02	10/14/03	Class 18: Back packs, fanny packs, brief cases, garment bags and shoe bags for travel, valuable pouch, and duffel bags; Class 25: Leather gloves and belts made of leather; Class 28: Travel covers for golf bags
PING®	2909186	12/23/02	12/7/04	Class 20: Chairs
PING®	2822249	6/7/02	3/16/04	Class 21: Plastic water bottles sold empty
PING®	2998878	11/12/02	9/20/05	Class 21: Wastepaper baskets
PING®	2909187	12/23/02	12/7/04	Class 21: Mugs
PING®	4415199	5/24/11	10/8/13	Class 21: Drinking glasses, namely, tumblers
PING®	2909188	12/23/02	12/7/04	Class 22: Lanyards for holding eyeglasses
PING®	3861063	4/5/10	10/12/10	Class 22: Shoe bags for storage

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	2823210	11/12/02	3/16/04	Class 24: Towels
PING®	4500594	2/22/13	3/25/14	Class 24: Towels
PING®	1637647	7/3/89	3/12/91	Class 25: Clothing, namely, shirts, caps, sweaters, and sun visors
PING®	3199150	6/6/02	1/16/07	Class 25: Slacks, shorts, skorts, sweatshirts, windshirts, woven shirts, sweater vests, jackets, belts, rainwear, and socks
PING®	2810550	11/14/02	2/3/04	Class 25: Mittens
	2810601	1/13/03	2/3/04	Class 25: Caps, visors
PING®	3559460	11/14/06	1/13/09	Class 25: Children's clothing, namely, shirts and hats
PING®	4500596	2/22/13	3/25/14	Class 25: Clothing, namely, shirts, sweaters, sweatshirts, windshirts, woven shirts, slacks, shorts, vests, jackets, rainwear, socks, gloves, mittens, belts; headgear, namely hats, caps, and visors; children's shirts and hats
PING®	3171976	1/10/03	11/14/06	Class 26: Embroidered emblems
PING®	3177633	12/23/02	11/28/06	Class 27: Rugs
PING®	704552	9/3/59	9/20/60	Class 28: Golf clubs
PING®	1632445	7/6/89	1/22/91	Class 28: Sporting goods; namely, golf bags, golf balls, and head covers for golf clubs
PING®	3230098	6/7/02	4/17/07	Class 28: Golf clubs for juniors, golf bags for juniors, golf gloves, and divot repair tools for golfers; stress relief balls for hand exercise and golf ball tees
	2923069	1/13/04	2/1/05	Class 28: Golf clubs
PING®	3814476	12/21/09	7/6/10	Class 28: Hat clips for holding golf ball markers; golf ball markers
	4137048	8/16/11	5/1/12	Class 28: Golf bags

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	4500597	2/22/13	3/25/14	Class 28: Golf clubs, golf bags, head covers for golf clubs, travel covers for golf bags, golf gloves, divot repair tools, hat clips for holding golf ball markers, golf ball markers, golf balls, golf ball tees, stress relief balls for hand exercise, and weights for attachment to golf clubs for use as a golf swing aid
PING®	3860326	3/3/10	10/12/10	Class 30: Candy
PING®	3171977	1/10/03	11/14/06	Class 32: Drinking water
PING®	4067484	4/9/08	12/6/11	Class 33: Wine
PING®	3867803	12/22/06	10/26/10	Class 35: Advertising and business services, namely placing advertisements and promotional displays in electronic sites accessed via computer networks and direct transmission of advertisements and promotional displays to computers and peripheral devices
PING®	3814518	2/10/10	7/6/10	Class 35: Providing an internet website for dissemination of information as to the availability of sports-related products and services; providing on-line registration services for sports-related products for the purpose of providing customer service in the field of sports-related products and services; providing retailer referrals in the field of sports-related products and services through an internet website; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	4144880	4/2/10	5/22/12	Class 35: Providing online consumer information in the field of sports-related products and services; providing on-line registration services for sports-related products for the purpose of providing customer service in the field of sports-related products and services; providing retailer referrals in the field of sports-related products and services through an internet website; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others
PING®	4116116	2/3/11	3/20/12	Class 35: Retail store services in the field of entertainment featuring pre-recorded audio, provided via the internet and other computer and electronic communication networks
PING®	3814515	2/5/10	7/6/10	Class 36: Financial sponsorship of golf tournaments and golf professionals participating in golf tournaments
PING®	3814513	2/4/10	7/6/10	Class 37: Providing an Internet website that features information about repair services for golf equipment; repair of golf equipment
PING®	3795969	12/22/06	6/1/10	Class 38: Consumer telecommunication services, namely, communications services for electronically exchanging data and graphics via telecommunication networks including mobile and wireless networks
PING®	3813325	9/14/09	7/6/10	Class 38: Providing an on-line forum relating to the subject of sports

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3860706	3/16/10	10/12/10	Class 38: Broadcasting of video and audio programming over the Internet; Broadcasting services, namely, transmission of advertising programs and media advertising communications via digital communications networks; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Electronic mail; Providing on-line communications links which transfer the web site user to other local and global web pages; Streaming of audio, visual and audiovisual material via a global computer network; Transmission and distribution of data or audio visual images via a global computer network or the internet; Video broadcasting services over the Internet or other communications network, namely, electronically transmitting video clips; Video transmission over digital networks

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3864564	3/31/10	10/19/10	Class 38: Broadcasting of video and audio programming over the Internet; Broadcasting services, namely, transmission of advertising programs and media advertising communications via digital communications networks; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Electronic mail; Providing on-line communications links which transfer the web site user to other local and global web pages; Streaming of audio, visual and audiovisual material via a global computer network; Transmission and distribution of data or audio visual images via a global computer network or the internet; Video broadcasting services over the Internet or other communications network, namely, electronically transmitting video clips; Video transmission over digital networks; Providing an on-line forum relating to the subject of sports; Consumer telecommunication services, namely, communications services for electronically exchanging data and graphics via telecommunication networks, including mobile and wireless networks
PING®	4150228	10/21/11	5/29/12	Class 38: Chat room services for social networking; Providing on-line chat rooms for social networking
PING®	3831913	2/25/10	8/10/10	Class 40: Custom manufacture and fitting of sports equipment
PING®	1633477	5/1/89	1/29/91	Class 41: Sponsoring golf professionals

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	2870863	6/3/02	8/10/04	Class 41: Training and educating sporting goods dealers to fit golf clubs to customers, golf club fitting, sponsoring amateur golf tournaments for men, women and junior golfer, and sponsoring professional golf tournaments
PING®	3703528	12/22/06	10/27/09	Class 41: Entertainment and educational services, namely, providing online information in the fields of sports and entertainment, all of the foregoing products and/or services marketed to consumers and consumer retailers
PING®	3814519	2/10/10	7/6/10	Class 41: Providing an internet website for dissemination of historical information and current news relating to golf
PING®	3882932	4/14/10	11/30/10	Class 41: Entertainment and educational services, namely, providing online information in the fields of sports and entertainment, the foregoing marketed to consumers and consumer retailers; Providing an internet website for dissemination of historical information and current news relating to golf; Training and educating sporting goods dealers to fit golf clubs to customers; custom golf club fitting; entertainment in the nature of golf tournaments
PING®	4350584	2/3/11	6/11/13	Class 41: Entertainment services, namely, providing a web site and online computer database featuring music, videos, and entertainment news
PING®	4009699	2/25/11	8/9/11	Class 41: Providing online information in the field of entertainment

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3505200	5/21/08	9/23/08	Class 42: Application service provider featuring non-downloadable software for providing an on-line database to enable file sharing and extraction and retrieval of documentary information
PING®	4127292	2/26/10	4/17/12	Class 42: Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; Creating an on-line community for recreational athletes for the purpose of connecting players, teams and leagues and organizing game and sports activities; Hosting an online website featuring content relating to sports; Hosting of digital content on the Internet; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems, the foregoing marketed to consumers and consumer retailers; Updating and maintenance of computer software, the foregoing marketed to consumers and consumer retailers
PING®	3873544	4/8/10	11/9/10	Class 42: Computer services, namely, providing search platforms to allow users to request content from and receive content to a mobile device or a computer; Providing user-defined generated content and content of others automatically selected and customized based on the known or estimated geographical location of a user; all of the foregoing marketed to consumers and consumer retailers

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	3943254	4/9/10	4/12/11	Class 42: Application service provider featuring non-downloadable software for providing an on-line database to enable file sharing and extraction and retrieval of documentary information, the foregoing marketed to consumers and consumer retailers; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking, the foregoing marketed to consumers and consumer retailers; Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line, the foregoing marketed to consumers and consumer retailers; Creating an on-line community for recreational athletes for the purpose of connecting players, teams and leagues and organizing game and sports activities; Hosting an online website featuring content relating to sports; Hosting of digital content on the Internet; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems, the foregoing marketed to consumers and consumer retailers; Updating and maintenance of computer software, the foregoing marketed to consumers and consumer retailers

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING®	4234651	2/25/11	10/30/12	Class 42: Providing search engines for obtaining data via communications networks; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other communication networks for others; providing temporary use of on-line non-downloadable software to enable users to program audio, video, text and other multimedia content; providing on-line facilities, via a global computer network, to enable users to program audio, video, text and other multimedia content via communications networks
PING®	3813431	10/2/09	7/6/10	Class 45: Online social networking services provided through a sports community website; Providing an interactive web site for persons to locate other individuals with similar interests to participate with them in, or accompany them to, events and activities
PING®	3947023	3/30/10	4/19/11	Class 45: Online social networking services provided through a sports community website; Providing an interactive web site for persons to locate other individuals with similar interests to participate with them in, or accompany them to, events and activities
PING®	4101268	2/1/11	2/21/12	Class 45: On-line social networking services
PING®	4429277	10/6/11	11/5/13	Class 45: Domain name registration services; Registration of domain names for identification of users on a global computer network

TRADEMARK	REG. NO.	FILING DATE	REG. DATE	CLASS & GOODS/SERVICES
PING.COM®	3736027	12/24/08	1/12/10	Class 35: Providing an on-line interactive database for dissemination of product information relating to golf equipment and golf club fitting information Class 41: Providing an on-line interactive database for dissemination of historical information and current news relating to golf
PING.COM®	3724674	12/24/08	12/15/09	Class 35: Providing an on-line interactive database for dissemination of information regarding golf-related product registration and dealer referrals

5. Each of the registrations referenced herein are valid, subsisting and in full force and effect and therefore constitute conclusive evidence of the validity of the marks therein and of KMC's exclusive right to use said marks in connection with the identified goods. Moreover, certain of said registrations are incontestable pursuant to Section 15 of the Lanham Act (15 U.S.C. § 1065).

6. KMC's PING® mark is inherently distinctive and serves to distinguish KMC and its wide variety of goods and services from those of others and to distinguish the source or origin of KMC's goods and services.

7. KMC, itself and through its predecessors-in-interest and permitted licensees, has expended substantial time, money and effort in advertising and promoting KMC's goods and services offered under the PING® mark. As a result, KMC has developed substantial goodwill in the PING® mark.

8. By nature of the inherent distinctiveness of KMC's PING® mark, the long duration and extensive use of the mark on and in connection with the advertising, marketing,

promotion, provision, offer for sale and sale of KMC's goods and services, and the strong recognition and reputation of KMC and its PING® mark among the relevant trade, consumers and the relevant purchasing public, as being the source or origin of KMC's high quality goods and services, KMC's PING® mark has become famous and the mark achieved such fame prior to December 1, 2015.

9. Applicant applied for registration of the alleged mark PINGFANG with the U.S. Trademark Office pursuant to the Intent-to-Use provisions of § 1(b) of the Trademark Act. The aforementioned application (the "Application") was assigned Application Serial No. 86/836,192, and a filing date of December 1, 2015. The goods recited in the Application consist of: "Computer software for the creation and display of typeface fonts; downloadable printing fonts." The Application was assigned a pseudo mark, namely "PING FANG."

10. KMC's prior and exclusive rights in the PING® mark were established and were of public record prior to December 1, 2015 and therefore pursuant to § 22 of the Lanham Act, (15 U.S.C. § 1072), Applicant was on constructive notice of those rights, prior to filing the Application.

11. Applicant's alleged mark PINGFANG and at least some of KMC's prior trademark registrations recite identical and/or overlapping goods, and/or goods within KMC's natural zone of expansion including, but not limited to, "computer software and hardware for processing images graphics, audio, video, and text;" and the goods are likely to be exposed to the same consumers in the same channels of commerce.

12. The Application was filed without the consent of KMC and was filed in violation of that certain TRADEMARK LICENSE AGREEMENT between KMC and Applicant dated as of September 1, 2010, and therefore is not subject to any privilege or similar affirmative defense to this Opposition.

13. KMC believes and alleges that Applicant's alleged mark PINGFANG, when applied to the goods and services in U.S. Trademark App. Serial No. 86/836,192, is likely to cause confusion or mistake or to deceive, and will deceive and mislead the trade and the purchasing public into believing that Applicant's goods originate from KMC, or that Applicant's goods are sponsored, approved or endorsed by KMC, or that Applicant is authorized, licensed or controlled by KMC, or that Applicant is in some other way related to KMC.

14. Applicant's alleged mark is not registrable under Section 2(d) of the Lanham Act (15 U.S.C. § 1052(d)) in view of KMC's prior, continuous and ongoing use and registration of its PING® mark.

15. KMC believes and alleges that Applicant's alleged mark PINGFANG, when applied to the goods recited in U.S. Trademark App. Serial No. 86/836,192, has or is likely to dilute the distinctive nature of KMC's PING® mark by lessening the ability and capacity of the mark to indentify and distinguish KMC as the sole source or origin of its high quality goods and services and/or by lessening the extensive and valuable goodwill, quality and honor that is associated with KMC's PING® mark.

16. Applicant's alleged mark PINGFANG is not registrable under Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)) in view of the likelihood of the mark diluting KMC's famous PING® mark.

WHEREFORE, Opposer Karsten Manufacturing Corporation prays that this opposition be sustained and that the registration sought by U.S. Trademark App. Serial No. 86/836,192 be finally refused.

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Dated: November 10, 2016

HARTMAN TITUS PLC

CERTIFICATE OF FILING

I hereby certify that this Notice of Opposition is being filed electronically through the TTAB's ESTTA filing system on November 10, 2016.

By /john d. titus/

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the Attorney of Record for Applicant, by mailing said copy on November 10, 2016 by First Class Mail, postage prepaid to the following:

Scott Harlan
Apple Inc.
1 Infinite Loop
MS 169-3IPL
Cupertino, CA 95014

Dated: November 10, 2016

/john d. titus/

John D. Titus
Attorney of Record